UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

GAYDON LOWE and wife MELISSA LOWE,)
Plaintiffs,)
v.) No. 3:08-cv-08) (Phillips)
FOUNTAIN FORESTRY, INC.,) (Fillips)
Defendants.)

JUDGMENT ON DECISION BY THE COURT

The case came before the court on defendant's motion to strike plaintiffs' notice of voluntary dismissal [Doc. 4]. The Honorable Thomas W. Phillips, United States District Judge, having rendered a decision on the defendant's motion,

IT IS ORDERED AND ADJUDGED that the defendant's motion to strike [Doc. 4] is **DENIED**, whereby plaintiffs' claims against defendant Fountain Forestry, Inc., are **DISMISSED WITHOUT PREJUDICE**. Defendant's counter-claim is hereby **REMANDED** to the Chancery Court for Scott County, Tennessee, at Huntsville.

IT IS SO ORDERED.

ENTER:

s/ Patricia L. McNutt
Clerk of Court